IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 4194 OF 2005

Sanduip Shah ....Applicant.

versus

M/s. Kapil Octroi Services & anr..... Respondents.

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Shri Jitesh Keny for applicant.
Mrs. M.M.Deshmukh APP for respdt.

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CORAM ; A.M. KHANWILKJAR, J.

DATED; DECEMBER 20, 2005

P.C.

1. Heard. The grounds raised before this court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the applicants by way ofi revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. Vs. Pratap V. Padode** reported in **2005 (3) Mh.L.J. 778** and unreported decision of this court in Criminal **W.P. No.1023 of 2005 dated 8th December 2005** in the case of **Chetan R. Nagda & Ors. Vs. N.D.Pawar & anr.,** counsel for the applicant fairly prays for withdrawal of the application with liberty to take recourse to remedy of revision. Hence, dismissed as withdrawn with liberty as prayed. All questions are left open.

3. The applicant to file such revision Application within four weeks from today. Till such time, no precipitative action be taken against the applicant. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

4. In case, there is any delay in filing Revision Application, court will take into account the fact that the applicant had first approached this court, which period may be excused in computing delay.

5. Applications disposed of on the above terms.

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